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Senate

The Senate met at 10:31 a.m. and was called to order by the Honorable ELIZABETH WARREN, a Senator from the Commonwealth of Massachusetts.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, grant to this Nation and to all people a social conscience built on the vision of the ancient prophets who saw sufficiency for people and a time when anxiety would be overcome by goodwill.

Lord, hasten the day when the small and weak can make their contributions alongside the great and powerful. Lead us to the day when we will see peace among the nations of the Earth, when swords shall be beaten into plowshares. Use the Members of this body to do Your will. Let Your glory cover the Earth as the waters cover the sea.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 13, 2022.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ELIZABETH WARREN, a

Senator from the Commonwealth of Massachusetts, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Ms. WARREN thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

INFLATION

Mr. MCCONNELL. Madam President, this morning, this all-Democratic government produced yet another absolutely terrible, terrible inflation report. Inflation during the month of June shattered the experts' predictions. We are now—listen to this—at 9.1 percent annual inflation; yet another fresh 40-year high, the most out-of-control inflation that American families have seen since the early 1980s. Food costs are up more than 10 percent. Energy costs are up more than 40 percent. The costs of the fuel that drives us to work, delivers our goods, and drives our economy are all up over 60 percent.

These are staggeringly—staggeringly—bad numbers. And they were fueled directly by the reckless spending spree that the Democrats rammed through on party lines just last year.

Remember, right before the \$2 trillion spending spree, President Biden said:

The biggest risk is not going too big . . . it's if we go too small.

The Senate Democratic leader said:

I do not think the dangers of inflation, at least in the near-term, are very real.

These were gigantic—gigantic—unforced errors. One leading economist recently said the so-called American Rescue Plan was “arguably the biggest fiscal policy mistake in several decades.”

Our core inflation rate here in America is more than 2 percentage points higher than in Europe. Inflation is uniquely bad here because our all-Democratic government has made uniquely bad choices. And now American families are dealing with the fallout every single day.

It is no secret how much the American people disapprove of the course Washington Democrats have put us on. They say so in poll after poll after poll. So you might think by now that our colleagues would be ready to try a different approach.

Well, guess again. President Biden and his party, fresh off of spending America into inflation, now want to tax-hike us into recession. They are behind closed doors playing around with what may amount to the single largest tax increase in American history. Tucked inside are exactly the sort of radical ideas that working families can least afford right now.

They want a giant tax hike on pass-through small businesses, a category—listen to this—that encompasses 95 percent of all businesses in the country—95 percent of them. Take it from a constituent of mine in Mount Sterling, KY, who put it this way:

Small business is already in a struggle to survive with all the taxes and regulations we have to deal with. Adding another tax is only making things worse.

Democrats also want a so-called “methane fee” that amounts to a big new tax hike on domestic natural gas, while their inflation has pushed American families' natural gas prices and electricity costs up through the roof already.

If following reckless spending and runaway inflation with a gigantic, painful tax hike sounds like a bad idea to you, believe me, you are not alone. Even some House Democrats are lighting their hair on fire over what a terrible idea these discussions are.

One House Democrat from New Jersey is telling reporters that she is “not

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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for any type of legislation that raises taxes . . . especially right now, as my constituents are facing inflation, cost of living [increases] . . . [and] housing prices."

Well, let me put it this way. When House Democrats from the Northeast start trying to sound more like Ronald Reagan running against Jimmy Carter, you know they have gotten themselves into a fix.

Too bad every single House Democrat except one and every single Senate Democrat voted for the \$2 trillion mistake that brought us to where we are. The Democrats complaining about inflation today voted in lockstep for the bill that brought us here. And now their answer to picking families' pockets once is to now pick the families' pockets yet a second time. The same Democrats that spent us into inflation now want to tax us into recession.

U.S. SUPREME COURT

Mr. McCONNELL. Madam President, now on an entirely different matter, this week, I have been discussing the historic term the Supreme Court just concluded—the most consequential and pro-Constitution term since Brown overturned Plessy almost 70 years ago.

Back in 2015, in one fell swoop, the Obama-Biden administration took aim at domestic energy production, harmed the separation of powers, and attacked the rule of law.

Remember, after Americans elected Republicans in 2010 to place a check on the leftwing agenda, President Obama infamously said he would just ignore the will of the people and work around Congress. Here was his quote. He said, "I've got a pen." He said, "I've got a phone."

Thus began a whole series of unconstitutional power grabs by the executive branch, a sort of crime spree against the Constitution. For example, when Democrats could not get harmful and unpopular environmental restrictions through Congress because the people's duly elected representatives did not support them, the bureaucrats at the Obama EPA decided to pretend that some obscure lines in an old law actually gave them enormous sweeping regulatory powers to manage our economy which nobody had ever noticed before.

The EPA effectively wrote and passed a giant piece of legislation, the so-called Clean Power Plan, as one branch of government acting alone. They tried to make law without involving actual lawmakers. The Obama EPA just up and decided they could start giving orders and issuing edicts and remake our country's electricity grid by brute force.

Of course, the pretext was simply false.

As Justice Scalia once wrote, "Congress . . . does not alter the fundamental details of a regulatory scheme in vague terms or ancillary provisions—it does not, one might say, hide elephants in mouse holes."

When the legislative branch actually intends to hand over giant chunks of our power to unelected bureaucrats, we make it pretty darn clear. The Obama-Biden EPA had no lawful authority to grab control of electricity generation all across America. And that is exactly what the Supreme Court affirmed last month.

The ruling was a huge win for American ratepayers and anybody who wants affordable and reliable energy; but it was also a landmark legal victory for our very system of government. The Supreme Court applied the plain text of the law and reaffirmed that the unelected administrative state is not allowed to reach way beyond the powers that Congress has actually given it. With any luck, this will be part of a sea change that has been a long time coming.

Remember a few months ago, a young district judge in Florida applied the plain, straightforward text of a statute and overturned the administration's illegal and unilateral mask mandate for public transportation. That was the Centers for Disease Control stepping way, way over its boundaries.

And this past January, the Supreme Court put the brakes on President Biden's blatantly illegal attempt to have the Occupational Safety and Health Administration, OSHA, force 84 million American workers to get the COVID vaccine whether they wanted it or not.

As Justice Gorsuch wrote in concurrence back then:

The central question we face today is: Who decides? The only question is whether an administrative agency in Washington . . . charged with overseeing workplace safety may mandate the vaccination or regular testing of 84 million people . . .

Justice Gorsuch continued:

Or whether . . . that work belongs to state and local governments across the country and the people's elected representatives in Congress.

On issue after issue, our courts are beginning to answer that question the way the Constitution commands. "Who decides?" is the question. The answer: The people decide and the Members of Congress they elect.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Michael S. Barr, of Michigan, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2018.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

NOMINATION OF MICHAEL S. BARR

Mr. BROWN. Madam President, I urge my colleagues to join me in supporting the nomination of Michael Barr to be a member of the Board of Governors of the Federal Reserve System and the Vice Chair for Supervision.

His confirmation is expected today, but we hold votes on these things to find out for sure. His confirmation will mean that the Federal Reserve, for the first time in years, will have a complement of all seven members.

I credit the Biden administration for being aggressive in doing that. I credit the committee, which I chair. The Acting President pro tempore is a prominent member of that committee, Senator WARREN, and I thank her for her work on this. It is a big deal.

Mr. Barr is a qualified nominee who came out of the Banking, Housing, and Urban Affairs Committee with strong bipartisan support. Five Republicans, including Ranking Member TOOMEY, and all 12 Democrats supported his nomination. It is clear why. He is a leading expert with decades of experience in helping to guide and protect our economy, including having experience with financial institutions and financial regulation.

He has served this country at the Departments of Treasury and State as well as at the White House. At the Treasury Department, as Assistant Secretary for Financial Institutions, Mr. Barr played a critical role in responding to the 2008 financial crisis when Wall Street greed and recklessness crashed our economy.

I know especially, as I said on the floor, what it did to my community, even to my neighborhood. The ZIP Code in which Connie and I live in Cleveland, 44105, had more foreclosures in the first half of 2007 than had any ZIP Code in America, and we still live with that.

We passed the Dodd-Frank Wall Street Reform Act back then. Among the many steps the legislation took to prevent another crisis, we created the Vice Chair for Supervision to identify and to stay ahead of risks to our country's financial system, like cyber threats, volatile cryptocurrency, or the climate crisis. We created this job to hold the biggest banks accountable so